REMARKS

Claims 1-9 are pending in the present application. Claims 1-9 have been rejected. Claims 7 have been cancelled. Claim 1 has been amended. No new matter has been added. Accordingly, claims 1-6 and 8- 9 are now pending in the present application.

The Examiner stated:

I.      Restriction to one of the following inventions is required under 35 U.S.C. 121:

    I.      Claims 1-7 and 26 drawn to secure usage of digital content, classified in class 705 subclass 51.

    II.      Claims 8-25 are drawn to licensing digital content, classified in class 705 subclass 59.

    Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05©). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because invention I does not require a "hosting a web page and generating a license key" as in invention II.

    Examiner notes that is would be a burden to search multiple inventions given their separate status in the art as noted above.

    The requirement is deemed proper and therefore made FINAL.

    Via paper filed on March 24, 2008 a provisional election was made without traverse to prosecute the of Invention I, claims 1-7 and 16. Affirmation of this election must be made by applicant in replying to this Office action. Claims 48-55 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant submits that this restriction is not directed to subject application.

Applicant believes this was included in error in the Office Action.

The Examiner stated:

Claims 1-9 have been examined:

## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a)     A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negative by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being obvious over Mori et at (US Patent 7,107,454) in view of Official Notice.

As per claim 1,

Mori discloses a method for automatically verifying a signature during a retail payment transaction, the method comprising:

Obtaining an electronic signature of a cardholder;

Using an electronic signature verification process to automatically verify the electronic signature; (Abstract)

Official Notice is taken that "requiring a point-of-sale (POS) operator to manually verify the electronic signature when an exception occurs during the electronic signature verification process" is common and well known in prior art in reference to transaction protocols. It would have been obvious to one having ordinary skill in the art at the time the invention was made to manually check a digital signature in order to prevent fraud by exposing fake IDs.

As per claim 2,

Mori discloses the method of claim 1, wherein using an electronic signature verification process to automatically verify the electronic signature further comprises:

Responsive to an account of the cardholder having a corresponding digital signature on file, comparing the electronic signature to a the corresponding digital signature stored in the signature database under an the account of the cardholder using a signature verification algorithm (Figure 5, 16).

As per claim 3,

Mori discloses the method of claim 1, wherein using an electronic signature verification process to automatically verify the electronic signature comprises:

Searching the a signature database by account number to determine if an account of the cardholder has a corresponding digital signature on file. (Figure 5)

Claims 4-9 are not patentably distinct from claims 1-3 and are rejected for at least the same reasons.

Applicant respectively traverses this rejection. Applicant has amended claim 1

to include: "<u>wherein requiring a point-of-sale (POS) operator to manually verify the</u>

<u>electronic signature when an exception occurs during the automatic electronic signature</u>

<u>verification process comprises adding the electronic signature to the database, thereby</u>

<u>automatically building the signature database responsive to the POS operator verifying</u>

<u>the electronic signature; and</u>

wherein signatures are incorporated in the database after the automatic electronic signature verification process; wherein signatures can be added to the database to allow for variations thereof and reduce the rate at which transactions are incorrectly denied by the automatic electronic signature verification process."

These features allow for the minimization of incorrectly denied transactions and therefore reduce the number of times an operator has to verify a signature. Mori does not teach or suggests manually verifying a signature that has been rejected by an automatic verification process and then updating a signature database to include the incorrectly rejected signature. Mori is directed solely to an automatic verification process for signature information and rejecting any signature that does not match. In Mori the signature must already be within the database. Accordingly when using a system as described in Mori some signatures may be incorrectly rejected.

In a system in accordance with the recited invention, the operator manually verifying the signature after the automatic verification process and then adding the signature to the database if the signature was incorrectly rejected, will reduce the number of incorrect exceptions that are generated by the automatic verification process. Therefore, over time the method will operate more efficiently.

Applicant submits that Mori neither teaches nor suggests in a user the applicatioanthese elements in cooperation with the other elements recited in claim 1. Furthermore, claim 2-6, 8 and 9 are allowable since they depend upon an allowable base claim, as well as being allowable on their own merits. Accordingly, Applicant respectfully requests reconsideration and allowance of the claims as now presented.

## CONCLUSION

Applicants' attorney believes this application is in condition for allowance.

Should any unresolved issues remain, Examiner is invited to call Applicants' attorney at the telephone number indicated below.

Respectfully submitted,

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